

### Advisory Opinions on Consent Agenda - July 2021

Item #	Docket #	Caption	Analysis	Recommendation
G5	2021-151	Advisory opinion request from St. Amant Gatoresses' coach Jodey Bruno regarding whether the Code of Governmental Ethics would prohibit her from running a dance studio.	The matter is moot. Allow Ms. Bruno to withdraw her request.	Allow Ms. Bruno to withdraw her request.
G6	2021-284	Request for an advisory opinion from Patrick Wright, Sr., an Alderman in Simmesport (Avoyelles Parish) who would like to volunteer to pick up trash and cut grass for residents in his district. Simmesport has a population of 2,161.	While the Ethics Code prohibits a public servant from entering into a transaction under the supervision or jurisdiction of his agency, the Ethics Code would not prohibit Patrick Wright, Sr. from cutting grass and picking up trash in his district at no cost or donations. The Ethics Code specifically allows a public servant to donate services, movables and funds to his agency. The Ethics Code would not prohibit private citizens from assisting in cleaning up.	Adopt the proposed advisory opinion draft.

Item #	Docket #	Caption	Analysis	Recommendation
G7	2021-285	Request for an advisory opinion from Wesley C. Pfeiffer, former Deputy Director of Ground Transportation Services and Enforcement with the City of New Orleans, relative to post employment restrictions involving obtaining permits with the City of New Orleans.	1) Mr. Pfeiffer's agency would be considered to be the Ground Transportation Bureau within the Department of Safety and Permits for the City of New Orleans. 2) As the Deputy Director of Ground Transportation Services and Enforcement, he was an agency head of the Ground Transportation Bureau. 3) As a former agency head, he is prohibited from assisting persons, for compensation, in a transaction involving the Ground Transportation Bureau until November 16, 2022, but not other departments, such as persons seeking permits or licenses for construction projects. 4) Section 1121B(1) prohibits him from assisting persons in transactions involving the City of New Orleans in which he participated. Thus he could assist persons with construction permits and licenses. 5) Section 1121C applies to him if he becomes an officer, director, trustee, partner, or employee of a legal entity assisting another person in a transaction in which he participated in during his public service involving the Ground Transportation Bureau. However since Mr. Pfeiffer would no longer be a public servant, Section 1112 does not apply to him.	Adopt the proposed advisory opinion draft.
G8	2021-286	Withdrawal of a Request for an Advisory Opinion, submitted by three (3) Natchitoches Council members, regarding whether the Louisiana Code of Governmental Ethics prohibits the Parish President from making purchases that the Council did not approve.		Approve the withdrawal of the request for advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G9	2021-332	Request for review and approval of a Disqualification Plan, submitted by Sanettria Glasper Pleasant of the Louisiana Department of Transportation and Development ("DOTD"), relating to the hiring of the son of a current employee.	The proposed disqualification plan appears to be sufficient to remove Angela Townsend from any potential violations of La. R.S. 42:1112(B)(1) concerning her son, Levi Townsend. Additionally, it appears to be in compliance with Chapter 14 of the Board's Rules. Section 1119A is not implicated as Ms. Townsend is not an agency head.	Approve the proposed Disqualification Plan.
G10	2021-338	Advisory Opinion Request from Jackie C. Rouse, an employee of the Catahoula Parish Sheriff's Office, regarding becoming a candidate for Catahoula Parish Coroner.	Generally, the Code will not prohibit Jackie Rouse from seeking the elected office of Catahoula Parish Coroner while also being employed by the Catahoula Parish Sheriff's Office. Mrs. Rouse should be cautioned that campaign activity must occur outside of her normal working hours, or that she take annual leave, to prevent a violation of Section 1111A(1)(a). Additionally, Mrs. Rouse should seek an opinion from the Attorney General as to the applicability of the dual-office holding laws.	Adopt the proposed advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G11	2021-339	A Request for an Advisory Opinion, submitted by Karla Courtade, regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit her from applying for and accepting the position of Executive Director of Louisiana Operation Lifesaver ("LAOL") after she retires from the Louisiana Department of Transportation and Development ("LaDOTD") as the Statewide Highway Safety Improvement Program Manager.	Based on the facts presented, the Code would not prohibit Mrs. Courtade from applying for and accepting the LAOL Executive Director position upon her retirement from the LaDOTD. La. R.S. 42:1121(B) prohibits former public servants from assisting another person, for compensation, in a transaction, in an appearance in connection with a transaction that the former public employee was involved with while employed at the governmental entity, or rendering a service previously rendered to the governmental entity for a period of two (2) years. As the LAOL Executive Director, she would not be assisting LAOL with a transaction or rendering a service that she was involved in while the Statewide Highway Safety Improvement Program Manager for the LaDOTD.	Adopt the proposed advisory opinion.
G12	2021-340	Advisory opinion request from Natchitoches Parish Councilman John Salter as to whether the Code of Governmental Ethics ("Code") would prohibit him from participating in a recall petition to change the form of government in Natchitoches Parish.	The Code will not prohibit Councilman Salter from participating in a recall petition to change the form of government in Natchitoches Parish. Additionally, advise Councilman Salter that if he makes expenditures or accept contributions in support of the recall the reporting requirements of the Campaign Finance Disclosure Act will apply.	Adopt draft advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G13	2021-352	A Request for an Advisory Opinion, submitted by John C. Hopewell, III (City Attorney for the City of Zachary), regarding whether the Louisiana Code of Governmental Ethics ("Code") would prohibit his law firm from subleasing an office to a third party contractor of the City of Zachary while he is the City Attorney for the City of Zachary.	Based on the facts presented, the Code does not prohibit the Firm from entering into a sublease with the third party contractor. The third party contractor does not have a contractual, business, or other financial relationship with Mr. Hopewell's agency the Office of the City Attorney. Therefore, a sublease between the Firm and the third party contractor would not violate La. R.S. 42:1111(C)(2)(d). However, once the Firm has entered into a sublease with the third party contractor, Mr. Hopewell should take care to not participate in any transaction with the third party contractor so as to not violate La. R.S. 42:1112(B)(5).	Adopt the proposed advisory opinion.
G14	2021-363	Advisory opinion regarding whether members of the Mississippi River Parkway Commission are required to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1.	In order for members of a particular board or commission to be required to file annual personal financial disclosure statements, two factors must be met pursuant to R.S. 42:1124.2.1. First, the board or commission must meet the definition of a board or commission as defined in R.S. 42:1124.2.1. Second, the board or commission must meet the spending authority set forth in R.S. 42:1124.2.1. The Mississippi River Parkway Commission does meet the definition of a board or commission as set forth in R.S. 42:1124.2.1 as it was created by statute, R.S. 48:101. However, the Commission does not meet the second factor as it is inactive at this time with no budgetary authority. The Commission should be advised to seek a future opinion in the future if it receives budgetary authority.	Adopt proposed advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G15	2021-365	Advisory opinion request regarding whether a family member of Christopher Pulaski, Director of Planning and Zoning for Terrebonne Parish, may be appointed to the Zoning and Land Use Commission and the Houma-Terrebonne Regional Planning Commission.	Mr Pulaski's wife's sister's husband is not an immediate family member as defined by the Code of Ethics. Therefore, Mr. Pulaski is not prohibited from recommending his wife's sister's husband for appointment to the Commissions nor would the subsequent appointment be prohibited by the Code of Ethics.	Adopt proposed advisory opinion.
G16	2021-366	Advisory Opinion Request from James S. Knight, Town Attorney for Town of Franklinton, regarding whether he may represent a client in a custody proceeding against a Town employee.	Given that the transaction Mr. Knight is engaged in does not involve the Town, this would not be a violation of the Code of Governmental Ethics. However, as the Board does not have the authority to opine on matters of the Louisiana Rules of Professional Conduct, he should contact the Louisiana Office of Disciplinary Counsel.	Adopt proposed advisory opinion.

Item #	Docket #	Caption	Analysis	Recommendation
G17	2021-367	Advisory opinion request from Jared Green, a Neighborhood Liaison for District E, for the City of New Orleans in the Office of Neighborhood Engagement, as to whether the Code of Governmental Ethics ("Code") would prohibit him from participating in a child literacy campaign while employed by the City.	1. The Code will not prohibit Mr. Green from participating in the child literacy program or from donating the books to children in New Orleans. 2. Section 1111C(1)(a) does not prohibit him from receiving compensation from the sale of his book, since the book is not substantially related to the programs of the Office of Neighborhood Engagement. Caution Mr. Green that Section 1111C(2)(d) prohibits him from receiving compensation from book sales to any person who would be considered a prohibited source to him. Caution Mr. Green that Section 1113A prohibits him from selling the book to his agency, the Office of Neighborhood Engagement. However, La. R.S. 42:1123(30) would allow him to donate copies of his book to the Office of Neighborhood Engagement. 3. Section 1115 prohibits Mr. Green from soliciting donations from any person who is a prohibited source. Should he have any concerns about a specific potential conflict of interest, he should seek an additional advisory opinion. Caution Mr. Green that Section 1116A of the Code prohibits him from using the authority of his position with the Office of Neighborhood Engagement in a manner intended to compel or coerce any person to provide him, or BAMM Cares, anything of economic	Adopt draft advisory opinion.